

*STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION*

# ***AGENDA***

*Wednesday, September 10, 2003  
9:00 a.m.*

<p><b>Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court San Diego, California</b></p>
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The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, August 27, 2003, and should indicate the agenda item to which it is applicable.

If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff.

Written material submitted after 5:00 P.M. on Wednesday, September 3, 2003 will not be provided to the Regional Board members and will not be considered by the Regional Board.

*PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.*

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail should be submitted to: [rbagenda@rb9.swrcb.ca.gov](mailto:rbagenda@rb9.swrcb.ca.gov). Write the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, August 27, 2003.

*Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of*

*order at the discretion of the Chairman.*

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting of August 13, 2003.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

***Consent Calendar: Items 5 through 9 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)***

5. A Resolution requesting two hundred sixty thousand dollars from the State Water Resources Control Board's Cleanup and Abatement Account fund to assess atmospheric deposition, measure flow, and collect water quality data, perform modeling, and develop cleanup levels for the mouth of Chollas Creek in San Diego Bay. (Tentative Resolution No. R9-2003-0312) *(Brennan Ott)*
6. A Resolution requesting fifty four thousand dollars from the State Water Resources Control Board's Cleanup and Abatement Account fund to study marine sediment cleanup levels in San Diego Bay. (Tentative Resolution No. R9-2003-0315) *(Brennan Ott)*
7. Modification to Cease and Desist Order: California Department of Transportation, San Joaquin Hills Transportation Corridor (SR-73), Orange County, (revision to monitoring requirements) (Tentative Addendum No. 1 to Cease and Desist Order No. 2001-198) *(Christopher Means)*
8. Settlement of liability against Ryland Homes of California, Inc. for violation of Water Code sections 13376, 13267, and 13383 and SWRCB Order No. 99-08-DWQ, Waste Discharge Requirements for discharges of storm water runoff associated with construction activity, Serenada Development, Murrieta, Riverside County. The Regional Board will consider accepting a proposed settlement for the liability. If the Regional Board decides to reject the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Resolution No. R9-2003-0291) *(Frank Melbourn)*
9. Settlement of liability against Ashby Homes for violation of SWRCB Order No. 99-08-DWQ, Waste Discharge Requirements for discharges of storm water runoff associated with construction activity, Roripaugh Ranch construction site, Temecula, Riverside County. The Regional Board will consider accepting a proposed settlement for the liability. If the Regional Board decides to reject the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Resolution No. R9-2003-0302) *(Rebecca Stewart)*

***Remainder of the Agenda (Non-Consent Items):***

10. Administrative Assessment of Civil Liability against Pioneer Builders for violations of the State Board's General Construction Storm Water Permit Order No. 99-08-DWQ, San Diego Region Basin Plan, and Cleanup and Abatement Order No. R9-2003-158 at the Castillo del Mar subdivision in Dana Point, California. If agreement on settlement of this matter is not reached prior to the meeting date the Regional Board may deliberate and decide on assessment of civil liability based on testimony from the August 13, 2003 hearing. *The Public Comment period is closed on this item.* (Tentative Order No. R9-2003-0301) (*Rebecca Stewart*)
11. Status Report: San Diego River Watershed (*Michael Porter*)
12. NPDES Permit Reissuance: Padre Dam Municipal Water District, Padre Dam Water Recycling Facility, Discharge to Sycamore Creek and the San Diego River, San Diego County (tentative Order No. R9-2003-0179, NPDES No. CA0107492) (*David Hanson*)
13. Status Report: Duke Energy South Bay LLC, a report on the studies being conducted to assess the impact of the intake structures and thermal discharge of the South Bay Power Plant on the biological resources and beneficial uses of south San Diego Bay. (*Hashim Navrozali*)
14. Status Report: The National Steel and Shipbuilding Company (NASSCO) and Southwest Marine, Inc. (Southwest Marine) contaminated sediment investigation in San Diego Bay. Note: *This is a status report. The Regional Board will not be making any decisions regarding this item.* (*Tom Alo*)
15. *Executive Session* - Discussion of Ongoing Litigation  
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:  
*People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al..* United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61; and the related "Surfrider" case:  
  
*Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al.,* Case No. 99-CV-2441-BTM(JFS)  
  
*Rakhra Groups, Inc., v. San Diego Regional Water Quality Control Board* Superior Court of California, San Diego County; Case No. GIC 776251 and Case No. GIC 786516  
  
*San Diego BayKeeper and Surfrider Foundation, San Diego Chapter v. City of San Diego;* U.S. District Court, Southern District of California; Case No. 01-CV-0550-B (POR)
16. *Executive Session* - Consideration of Initiation of Litigation  
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
17. *Executive Session* - Discussion of Pending Litigation  
The Regional Board may meet in closed session to discuss pending litigation.

18. *Executive Session - Personnel*

The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]

19. Arrangements for Next Meeting and Adjournment

Wednesday, November 12, 2003 - 9:00 a.m.  
 Water Quality Control Board  
 Regional Board Meeting Room  
 9174 Sky Park Court  
 San Diego, California

***Notifications***

- A. On November 12, 2003, the Regional Board is scheduled to consider tentative Addendum No. 4 to Order No. 97-11: "General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Hazardous and Nonhazardous Waste Landfills". The tentative addendum will: a.) add the San Pasqual Burn Ash site to the General Order, and b) transfer responsibility for compliance with the Order to new dischargers identified for the Rainbow Canyon Landfill and the Naval Training Center Landfill (aka NTC/MCRD Landfill). (*Brian McDaniel*)
- B. On July 23, 2003, the Executive Officer issued Addendum No. 4 to Cleanup and Abatement Order (CAO) No. 91-45. This addendum was issued to the Redevelopment Agency of San Diego, G.T.F. Properties and Shell Oil Company, Golden West Hotel and the Unocal Corporation, and Greyhound Lines, Incorporated and Transportation Leasing Company- Greyhound Maintenance Center (the dischargers named in the CAO for the downtown San Diego commingled plume). Addendum No. 4 rescinds the ground-water monitoring directives (directives 1, 4, and 7 of CAO No. 91-45, directives 2, 3, 4, and 5 of Addendum No. 1, directives 2(a) and (b) of Addendum No. 2, and directives 8(a) through (c), 9, and 10 of Addendum No. 3) and removes the dischargers who have completed all phases of corrective action from the order (Redevelopment Agency of San Diego, G.T.F. Properties and Shell Oil, Greyhound Lines and Transportation Leasing). (*Sue Pease*)

**DIRECTIONS TO REGIONAL BOARD MEETING**

Regional Water Quality Control Board  
 9174 Sky Park Court, Suite 100, San Diego

- From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3<sup>rd</sup> stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.
- From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2<sup>nd</sup> stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.